

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

JASON J. HERNANDEZ,

Plaintiff,

v.

GREG ABBOTT, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:17-cv-00023

**OFFICE OF THE ATTORNEY GENERAL'S ADVISORY
REGARDING SERVICE ON GOVERNOR GREG ABBOTT**

The Office of the Attorney General (OAG) files this advisory regarding service of process on State of Texas Governor Greg Abbott and respectfully offers the following:

Plaintiff Jason J. Hernandez is currently incarcerated at the Polunsky Unit by the Texas Department of Criminal Justice (TDCJ). *See* ECF No. 39-2 at 23. His confinement in administrative segregation is a result of gang validation and he has been continuously offered a way out administrative segregation by participation in TDCJ's Gang Renouncement and Disassociation Process (GRAD). *See* ECF No. 39-2 at ¶¶ 12-14.

Hernandez, who is seeking compensatory damages, as well as injunctive relief and a declaratory judgment that the length and conditions of his confinement in administrative segregation at the Polunsky Unit violate the Eighth and Fourteenth Amendments of the United States Constitution pursuant to 42 U.S.C. § 1983, sued Governor Abbott along with several TDCJ defendants. *See* ECF No. 39-2 at 2, Introduction; and ¶¶ 7-8. The Court ordered the defendants to answer or file a

responsive pleading by August 9, 2019. While the OAG is often able to obtain permission from TDCJ and its employees to waive service, the OAG has no such authority with regard to the Governor of Texas. The Governor, therefore, will have to be served. The OAG is not an agent of service for the governor of Texas, is not authorized to waive or accept service for the governor, and therefore is not authorized to answer or otherwise plead on his behalf.

Accordingly, the Office of the Attorney General respectfully submits that summons and service will need to be effectuated through the proper agent of service for Governor Abbott.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

JEFFREY C. MATEER

First Assistant Attorney General

DARREN L. MCCARTY

Deputy Attorney General for Civil Litigation

SHANNA E. MOLINAIRE

Chief, Law Enforcement Defense Division

/s/ Amy L. Prasad

AMY L. PRASAD

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AMICUS CURIAE

NOTICE OF ELECTRONIC FILING

I, **AMY L. PRASAD**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing a true copy of the above in accordance with the Electronic Case Files System of the Eastern District of Texas Lufkin Division on August 9, 2019.

/s/ Amy L. Prasad
AMY L. PRASAD
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **AMY L. PRASAD**, Assistant Attorney General of Texas, certify that a true copy of the above has been served by placing it in United States mail, postage prepaid, on August 9, 2019, addressed to:

Jason J. Hernandez, TDCJ No. 1655115
Polunsky Unit
3872 FM 350 South
Livingston, TX 77351
Plaintiff Pro Se

/s/ Amy L. Prasad
AMY L. PRASAD
Assistant Attorney General